**Organisation**

Aurora Behaviour Support

**Question 1: Should the proposed legislative framework cover the out of home care setting?**

YES - out of home care RRPs are not monitored or reported effectively enough with their own system that is in place - it has holes in which providers do not follow appropriate safeguarding under the guise of "their legislation" or misinformation.

**Question 2: Should the proposed legislative framework cover any other setting?**

Any settings where RRPs may be in place.

**Question 3: What issues and challenges are raised by there being different frameworks for the authorisation of restrictive practices in the disability service provision setting and the aged care setting?**

Conflict between NDIS funded services and its own legislation and other funded services and its legislation, it is extremely unclear who and what is responsible for which reporting and somethings are consider restrictive in one framework but not in the other.

**Question 4: Do you support legislation requiring that restrictive practices on NDIS participants in the disability service provision, health, education and justice settings should be governed by the principles recommended by DRC Recommendation 6.35(b)?**

Yes.

**Question 6: Should a legislative framework prohibit any practices? If so, which practices and in which settings?**

Seclusion and isolation for all ages, it is unsafe and misused regularly.

**Question 7a: Do you agree that the framework should use the NDIS definitions of restrictive practices?**

Yes.

**Question 7b: Do you agree that the Senior Practitioner should have the power to issue guidelines that clarify how the definitions apply in different situations?**

Yes.

**Question 8: What role should the Senior Practitioner play in regulating behaviour support plans (BSP)?**

Oversight, clarification, definition and monitoring adjustment.

**Question 10a: Should Authorised Program Officers (APOs) be empowered to authorise particular categories of restrictive practices without separate Senior Practitioner authorisation (a partially delegated model)?**

Yes.

**Question 10b: Should Authorised Program Officers (APOs) be empowered to provide preliminary approval of restrictive practices, with final authorisation provided in all cases by the Senior Practitioner (a two step model)?**

Yes.

**Question 10c: What would be the benefits and risks of the above two models for Authorised Program Officers (APOs)?**

Multiple eyes to ensure appropriate safeguarding and least restrictive options. However it could prolong the process where time is already limited for BSP authors to turn over legislative and compliant work.

**Question 15a: Should authorisation decisions be open to internal review?**

Yes.

**Question 15b: Should authorisation decisions be reviewable at NCAT?**

Yes.

**Question 16a: Should rights to seek review be limited to the person or a person concerned for their welfare?**

No.

**Question 16b: Should the service provider have a right to seek review of a decision not to authorise a restrictive practice?**

No.

**Question 17: Should a person have a right to request the service provider review the Behaviour Support Plan (BSP) at any time?**

No.

**Question 18: Should the Senior Practitioner have complaints handling and investigation functions either on receipt of a complaint, on its own motion, or both?**

Both.

**Question 19: Do you agree the Senior Practitioner should have the proposed powers to respond to misuse of a restrictive practice?**

Yes.

**Question 20: How should interaction with the NDIS complaints framework be managed?**

More effectively and with respect or both parties the complaint and the complaining.

**Question 22a: Are the means by which the Senior Practitioner would have visibility of the use of restrictive practices by NDIS providers proposed in this Paper sufficient?**

Yes.

**Question 23: Do you agree the Senior Practitioner should have the proposed education and guidance functions?**

Yes.

**Question 24a: Should the Senior Practitioner have the power to impose sanctions for the misuse of restrictive practices, or are existing sanctions for misuse of restrictive practices sufficient?**

Yes.

**Question 25: Should the proposed framework provide for a legislated immunity from liability from the use of restrictive practices where the use was in accordance with an authorisation and done in good faith?**

Yes.